

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

UNITED STATES OF AMERICA,)
)
)
 V.) 7:10-CR-11-H
)
)
RUSHAUN NECKO PARKER,)
)
)
 DEFENDANT.)
)
)

CLOSING ARGUMENTS
MARCH 2, 2011
BEFORE THE HONORABLE MALCOLM J. HOWARD
SENIOR U.S. DISTRICT JUDGE

APPEARANCES:

FOR THE GOVERNMENT:

MR. TIMOTHY SEVERO
SPEC. ASST. U.S. ATTORNEY
310 NEW BERN AVE.
RALEIGH, NC

FOR THE DEFENDANT:

MR. JAMES WALEN
ATTORNEY AT LAW
P.O. BOX 2125
MOREHEAD CITY, NC

COURT REPORTER: DONNA J. TOMAWSKI
STENOTYPE WITH COMPUTER AIDED TRANSCRIPTION

1 MARCH 2, 2011

2 **THE COURT:** MR. SEVERO, WE'RE READY TO HEAR YOU,
3 SIR.

4 **MR. SEVERO:** THANK YOU, YOUR HONOR, MR. WALEN.

5 MEMBERS OF THE JURY, AS HIS HONOR JUST TOLD YOU, HE'S
6 ABOUT TO GIVE YOU THE LAW BUT WHAT I'M GOING TO DO IS GIVE
7 YOU A BRIEF HAND EXAMPLE OF IT BEFORE I START SPEAKING TO
8 YOU ABOUT THE EVIDENCE. AS HIS HONOR INSTRUCTED YOU AT
9 THE BEGINNING OF THIS AND AS HE WILL INSTRUCT YOU AT THE
10 END, YOU ARE THE SOLE ARBITERS OF THE FACTS OF THIS CASE,
11 AND YOU ARE TO DISCUSS THEM.

12 AS YOU WILL HEAR FROM HIS HONOR IN JUST A MOMENT, ONE
13 OF THE THINGS IS A CONSPIRACY. A CONSPIRACY IS SIMPLY AN
14 AGREEMENT BETWEEN TWO OR MORE PEOPLE TO EITHER DO A LAWFUL
15 ACT ILLEGALLY OR AN ILLEGAL ACT DONE BY ITSELF. A
16 CONSPIRACY ITSELF, IT DOESN'T HAVE TO BE IN WRITING,
17 EVERYBODY IN THE CONSPIRACY DOESN'T EVEN HAVE TO BE
18 INVOLVED IN ALL OF THE PORTIONS OF THE CONSPIRACY. THERE
19 DOESN'T HAVE TO BE ANY SORT OF FORMAL AGREEMENT, IT
20 DOESN'T HAVE TO BE WRITTEN DOWN ANYWHERE, DOESN'T EVEN
21 HAVE TO BE SPOKEN. IT CAN BE A LOOK OR GLANCE OR EVEN
22 KIND OF AN UNDERSTANDING OF THINGS.

23 AGAIN, A CONSPIRACY DEALS WITH THE AGREEMENT ITSELF.
24 CERTAINLY YOU CAN TAKE THE ACTIONS THAT SOMEONE DOES OR A
25 GROUP OF PEOPLE DO TO SHOW THE AGREEMENT THAT THEY DID IN

1 FACT HAVE. YOU CAN SEE AGAIN ALL OF THE MEMBERS DON'T
2 HAVE TO SHARE EACH AND EVERY PORTION OF WHAT THEY ARE
3 DOING.

4 THE SUBSTANTIVE COUNTS THAT YOU ARE GOING TO HEAR,
5 FIRST YOU WILL HEAR ABOUT A CONSPIRACY COUNT. THE
6 SUBSTANTIVE COUNTS YOU WILL FIRST HEAR ABOUT IS
7 DISTRIBUTION, AND THAT IS SIMPLY THE EXCHANGE OR THE
8 GIVING OF AN ITEM. IN THIS CASE, AS YOU HEARD FROM THE
9 EVIDENCE, THERE ARE TWO TIMES WHEN THERE WAS ACTUAL
10 DISTRIBUTION.

11 THE NEXT ELEMENT WILL BE ABOUT THE WEIGHT AND TYPE OF
12 SUBSTANCE. YOU'VE HEARD, AND I'M GOING TO GO OVER AGAIN
13 ABOUT THE WEIGHT BASED UPON EACH OF THE DISTRIBUTIONS AND
14 WHAT THE SUBSTANCE WAS, COCAINE BASE, OR WHAT'S COMMONLY
15 REFERRED TO AS CRACK, AND THE DEFENDANT KNEW HE WAS GIVING
16 SOME SUBSTANCE TO SOMEONE ELSE.

17 COUNT THREE IS THE SAME EXCEPT DIFFERENTIATED BY THE
18 WEIGHT.

19 COUNT FOUR, AND THE ORDER GIVEN BY THE JUDGE MAY BE
20 DIFFERENT THAN THE ORDER I'M GIVING YOU, BUT IT'S SORT OF
21 THE SAME IDEA. THE DIFFERENCE HERE, AGAIN BESIDES KNOWING
22 THAT IT'S A CONTROLLED SUBSTANCE, IS THE INTENT TO
23 DISTRIBUTE IT. THE JUDGE IS GOING TO TELL YOU THAT INTENT
24 IS SELDOMLY PROVED BY DIRECT EVIDENCE, IT'S A MENTAL
25 STATE. YOU CAN LOOK AT THE FACTS AND CIRCUMSTANCES,

1 THINGS LIKE THE WEIGHT, WHERE IT'S LOCATED, OTHER ACTS OF
2 DISTRIBUTION, THINGS THAT PEOPLE SAID, HOW IT WAS
3 PACKAGED, THOSE TYPE OF THINGS TO INFER INTENT.

4 THE LAW, AS YOU WILL HEAR, RECOGNIZES TWO TYPES OF
5 POSSESSION. THERE'S ACTUAL POSITION, AND THAT COULD BE
6 SOMETHING LIKE THIS THAT I'M HOLDING IN MY HAND. THAT'S
7 ACTUAL POSSESSION. AND THE JUDGE WILL INSTRUCT YOU ABOUT
8 CONSTRUCTIVE POSSESSION. THAT IS SOMETHING YOU EXERT
9 DOMINION OR CONTROL OVER. FOR INSTANCE, THE WATER JUG
10 THAT'S HERE, I CAN PICK IT UP OR NOT PICK IT UP. THE FACT
11 I CAN EXERCISE DOMINION OR CONTROL IS AN EXAMPLE OF
12 CONSTRUCTIVE POSSESSION. THAT'S GOING TO BE MENTIONED AS
13 IT RELATES TO THE POSSESSION OF INTENT TO DELIVER CHARGE
14 AND THE FIREARM CHARGE.

15 AGAIN, POSSESSION IS DIFFERENT THAN OWNERSHIP. YOU
16 CAN HAVE MULTIPLE PEOPLE WHO CAN BE IN POSSESSION OF AN
17 ITEM.

18 THE NEXT COUNT YOU WILL HEAR IS POSSESSION OF A
19 FIREARM BY A PROHIBITED PERSON OR A CONVICTED FELON IN
20 THIS CASE. AGAIN, I WILL GO OVER THE EVIDENCE WITH YOU IN
21 A MOMENT.

22 AS YOU CAN SEE FROM THE ELEMENTS, BASICALLY THAT ON
23 OR ABOUT JANUARY 27, 2010, THE DEFENDANT POSSESSED THAT
24 FIREARM. HE WAS CONVICTED OF AN OFFENSE THAT WAS
25 PUNISHABLE BY A TERM THAT CAN CARRY MORE THAN A YEAR, AND

1 I WILL TELL YOU THAT ALL FELONIES IN NORTH CAROLINA CARRY
2 A POTENTIAL PUNISHMENT OF MORE THAN A YEAR. SO ALL
3 FELONIES IN NORTH CAROLINA, IF YOU ARE CONVICTED OF ANY
4 FELONY, CARRIES THAT TYPE OF PUNISHMENT.

5 AND THEN FINALLY THAT THE FIREARM AFFECTED INTERSTATE
6 COMMERCE. THAT IS SORT OF A LAWYERLY WAY OF SAYING THAT
7 IT WAS MANUFACTURED IN CHINA OR MANUFACTURED SOMEWHERE
8 OUTSIDE OF THE STATE OF NORTH CAROLINA, THEREFORE IT HAD
9 TO TRAVEL INTO NORTH CAROLINA. IN FACT, IN THIS CASE IT
10 WAS CHINA.

11 COUNT SIX IS POSSESSION OF A FIREARM IN FURTHERANCE
12 OF A DRUG TRAFFICKING OFFENSE. HIS HONOR WILL INSTRUCT
13 YOU THAT YOU FIRST HAVE TO FIND A DRUG TRAFFICKING
14 OFFENSE. A DRUG TRAFFICKING OFFENSE CAN BE CONSPIRACY TO
15 POSSESS WITH THE INTENT TO DISTRIBUTE MORE THAN 50 GRAMS
16 OR ANY AMOUNT OF COCAINE. AND THE SECOND PART OF THAT IS
17 HAVING THAT IN FURTHERANCE OF A DRUG TRAFFICKING OFFENSE.

18 IN FURTHERANCE IS AN IDEA THAT IF SOMEONE USES OR HAS
19 THAT FIREARM SO IT EMBOLDENS THEM IF THEY HAVE IT FOR
20 PROTECTION, WHETHER IT'S TO PROTECT THEIR ASSETS, PROTECT
21 THEIR PLACE WHERE THEY'RE KEEPING THEIR DRUGS, OR WHETHER
22 IT MAKES THEM FEEL COMFORTABLE TO KEEP SELLING THE DRUGS.
23 THOSE ARE SOME EXAMPLES OF WHAT HAVING A FIREARM IN
24 FURTHERANCE OF A DRUG TRAFFICKING OFFENSE IS.

25 FINALLY, CONSPIRACY TO COMMIT MONEY LAUNDERING. HIS

1 HONOR WILL GIVE YOU THE INSTRUCTIONS, BUT TO REDUCE IT
2 DOWN, YOU HAVE THE IDEA OF CONSPIRACY, WHICH IS AN
3 AGREEMENT. AND THEN IT'S A NOTION OF SOME SORT OF
4 FINANCIAL TRANSACTION, WHETHER IT BE PURCHASING A CAR,
5 HAVING IT CONCEALED IN SOME FORM OR FASHION, LIKE HAVING
6 SOMEONE ELSE'S NAME PLACED IN YOUR CAR OR A CAR IN YOUR
7 NAME, OR SOMETHING LIKE TAKING THE PROCEEDS AND PAYING THE
8 RENT FOR A RESIDENCE, ESPECIALLY A RESIDENCE IN WHICH THE
9 NARCOTICS WERE STORED IN, THINGS OF THAT NATURE OF TAKING
10 THE FINANCIAL PROCEEDS FROM AN ILLEGAL ACTIVITY, IN THIS
11 CASE DRUG DISTRIBUTION, AND USING THOSE TO FURTHER THE
12 ACTIVITY.

13 NOW, I'M GOING TO GO THROUGH THE EVIDENCE JUST
14 BRIEFLY. IT'S NOT BEEN AN EXTREMELY LONG TRIAL, AT LEAST
15 NOT IN NUMBER OF DAYS, SO I WILL JUST TOUCH ON SOME OF THE
16 HIGHLIGHTS. I WILL START WITH THE CONSPIRACY CHARGE.

17 STARTING WITH MR. RIVERS, WHO GOT ON THE STAND AND HE
18 TESTIFIED, AND CERTAINLY HE TESTIFIED THAT HE PICKED THE
19 DEFENDANT OUT OF A PHOTOGRAPH AND THEN HE MENTIONED THAT
20 HE HAD SEEN HIM WITH SOMEBODY OR IN ASSOCIATION WITH
21 SOMEBODY WHO HE KNEW, AND IT HAPPENED TO BE AGAIN SOMEBODY
22 WHO WAS IN THE PHOTOGRAPH THAT WAS RIGHT THERE WITH THE
23 DEFENDANT SEIZED OUT OF HIS HOME. AGAIN, THE SAME
24 PHOTOGRAPH THAT MS. LEWIS IDENTIFIED AS BEING THE PERSON
25 THAT WAS WITH THE DEFENDANT WHEN SHE WENT THERE TO SIGN

1 OVER OR PUT THE CAR IN HER NAME THAT THE DEFENDANT WAS
2 PAYING FOR.

3 YOU HEARD MR. RIVERS TESTIFY ABOUT THE TIMES IN JULY
4 WHERE HE WENT TO HENRY STREET AND HE PURCHASED AN OUNCE
5 AND THEN HE PURCHASED THE DEUCE, AND ALL OF THOSE BEING
6 COCAINE. JUST AS IMPORTANTLY, YOU HEARD FROM THE
7 DEFENDANT'S OWN WORDS, HIS STATEMENT ABOUT BEING INVOLVED
8 IN A CONSPIRACY, ABOUT HOW HE OBTAINED COCAINE, JUST
9 STARTING FROM THE LAST YEAR WHEN HE WAS TAKING THAT DEUCE,
10 OR THOSE 62 GRAMS OF COCAINE BASE, AND SELLING THOSE TWICE
11 A MONTH IN THAT SAME AREA.

12 AGAIN, HE TALKED ABOUT HOW HE WAS RECEIVING THAT
13 COCAINE FROM OUT OF TOWN, FROM TEXAS, AND HAVING RECEIVED
14 IT FROM A HISPANIC MALE AND THEN CONVERTING THE COCAINE
15 INTO COCAINE BASE AND SELLING IT, AND SELLING IT FOR A
16 LONG PERIOD OF TIME.

17 THEN I'LL MOVE ONTO THE DISTRIBUTION CHARGE ON
18 NOVEMBER 9. YOU WILL BE GIVEN INSTRUCTIONS ABOUT A
19 CONFIDENTIAL INFORMANT. IT'S OBVIOUS THAT A CONFIDENTIAL
20 INFORMANT IS SOMEONE WHO AGREES TO DO THAT. THEY DON'T --
21 THEY DON'T DO IT, IN THIS CASE, HAVE A CIVIC
22 RESPONSIBILITY, BUT, BY THE SAME TOKEN, YOU CAN LOOK AT OR
23 FOCUS ON WHAT LAW ENFORCEMENT DID WHEN THEY STARTED THAT
24 OPERATION. THEY STRIP SEARCHED MR. BATTS. THEY GAVE MR.
25 BATTS RECORDING DEVICES AND THEY PROVIDED SURVEILLANCE ON

1 MR. BATT'S GOING TO AND FROM. AND YOU HEARD THOSE
2 RECORDINGS AND YOU REMEMBER THAT MONEY BEING COUNTED OUT.

3 THERE WAS NO EVIDENCE WHATSOEVER CONTRARY TO WHAT MR.
4 BATT'S SAID ABOUT THE FACT THAT HE GAVE HIM \$1,800 FOR THE
5 COCAINE, FOR THE 60 GRAMS, THAT DEUCE THAT WAS SUBMITTED
6 TO THE STATE BUREAU OF INVESTIGATION, THE 60 GRAMS OF
7 COCAINE BASE. AND YOU CAN HEAR ALL OF THAT MONEY BEING
8 COUNTED. HE WAS STRIP SEARCHED BEFORE, HE WAS STRIP
9 SEARCHED AFTER, HE WAS FOLLOWED THERE, HE'S FOLLOWED BACK.

10 AGAIN, THEN FOCUSING ON, AND YOU HEARD THAT RECORDED
11 PHONE CALL. AGAIN, THERE'S BEEN NO EVIDENCE TO THE
12 CONTRARY, THE RECORDED PHONE CALL FROM MR. BATT'S TO THE
13 DEFENDANT WHO IDENTIFIED HIMSELF ON THOSE PHONE CALLS AS
14 DUKE. YOU SEEN THE TATTOO. HE HAS DUKE TATTOOED BIG AS
15 LIFE ON HIS BACK, LETTERS IN HIS HOUSE ADDRESSED TO DUKE.
16 EVEN MS. LEWIS KNEW HIM AS DUKE. YOU HEARD THAT.

17 AND THEN THE SECOND PHONE CALL. AGAIN, YOU HEARD
18 THAT PHONE CALL. THAT WAS A PHONE CALL DISCUSSING
19 NARCOTICS. ON THAT OCCASION WHEN HE DISCUSSES AN ONION OR
20 AN OUNCE, THERE'S AN INITIAL CONVERSATION ABOUT POWDER
21 COCAINE. YOU SAW THE VIDEOTAPE THAT YOU CLEARLY SEE THIS
22 DEFENDANT GET INTO THE CAR. YOU HEAR MONEY BEING COUNTED
23 OUT. AND THEN MR. BATT'S TOLD YOU ABOUT THE EXCHANGE. AS
24 THE STATE BUREAU OF INVESTIGATION SAID, THAT 27 GRAMS OF
25 COCAINE BASE WHICH WAS EXCHANGED FOR \$900, AND ALL OF THAT

1 WAS ABSOLUTELY CONSISTENT WITH THE PHONE CALL, WITH THE
2 THINGS THAT WERE HEARD ON ALL OF THE RECORDING DEVICES.

3 THEN TURNING OR GOING TO FEBRUARY 27, THE EXECUTION
4 OF THE SEARCH WARRANT. YOU HEARD THE SWAT OFFICER SAY
5 WHEN HE CAME IN OR BREACHED THAT WINDOW, WHERE WAS THE
6 DEFENDANT? HE WAS IN HIS BED WITHIN ARM'S REACH OF A
7 FIREARM. ADDITIONALLY, THE BED WAS SEVERAL FEET OR RIGHT
8 ACROSS THE HALLWAY FROM THE BATHROOM, AND IN THE VENT WAS
9 72 GRAMS OF COCAINE BASE. YOU HEARD ALL OF THOSE OFFICERS
10 TELL YOU, EVEN MS. RIVERS (SIC) TOLD YOU HOW MUCH THAT WAS
11 AND HOW MANY DIFFERENT PEOPLE THAT COULD BE SOLD TO. AND
12 WHEN MR. RIVERS WAS BUYING THOSE DEUCES, HE WAS BUYING
13 THOSE DEUCES TO SELL TO PEOPLE ON THE STREET AND TO SELL
14 TO A NUMBER OF PEOPLE ON THE STREET. AND THEN AFTER HE
15 SOLD THE FIRST BATCH, HE WENT BACK TO THE DEFENDANT, GOT
16 ANOTHER BATCH TO SELL TO THE PEOPLE IN THE STREET. AND
17 THEN AGAIN, WHERE IT IS PACKAGED AND THE LOCATION THAT IT
18 WAS FOUND, RIGHT ACROSS FROM THIS DEFENDANT.

19 YOU REMEMBER THE VIDEO WITH ALL THE MONEY IN IT. IN
20 THE SAME BATHROOM, THROWING ALL OF THAT MONEY IN THE SINK.
21 THINK ABOUT ALL OF THE LIVES THAT ARE BEING DESTROYED WITH
22 ALL OF THAT MONEY BEING THROWN IN THE SINK AND ALL OF THE
23 MONEY LAYING ON THE FLOOR. YOU EVEN SAW IN THE VIDEO
24 THERE'S MONEY LYING RIGHT NEXT TO THE VENT WHERE HE LATER
25 ON HAS THOSE 72 GRAMS OF CRACK COCAINE.

1 NOW, GOING BACK TO THE FIREARM. AS I SAID BEFORE AND
2 I THINK THE EVIDENCE WAS CERTAINLY CLEAR, THAT AGENT
3 GLASSCOCK TESTIFIED THAT THAT RIFLE WAS, I THINK IT WAS A
4 HANDGUN, WAS MANUFACTURED IN CHINA AND THAT IT WAS
5 DESIGNED AND FULLY CAPABLE OF KILLING SOMEONE.

6 YOU HEARD FROM THE DEFENDANT'S OWN WORDS WHY HE HAD A
7 FIREARM, FOR PROTECTION. HE HAD IT FOR PROTECTION BECAUSE
8 HE WAS A DRUG DEALER AND IT'S DANGEROUS, ESPECIALLY WHEN
9 YOU ARE POSTING THE AMOUNT OF MONEY THAT YOU HAVE ON THE
10 INTERNET LIKE THAT, THERE'S A DANGER THAT YOU ARE GOING TO
11 BE ROBBED. WHEN YOU KEEP 72 GRAMS OF COCAINE BASE IN YOUR
12 VENT RIGHT ACROSS THE HALLWAY FROM YOU, THERE'S A DANGER
13 THAT YOUR HOUSE IS GOING TO BE BROKEN INTO, THAT EITHER
14 YOUR MONEY WILL BE STOLEN OR THAT YOUR DRUGS ARE GOING TO
15 BE STOLEN, AND THAT'S WHY YOU HAVE A FIREARM.

16 GRANTED, IT WAS PACKAGED, OR IT WAS STILL PACKAGED.
17 NOW HE TOLD YOU HE HAD GOTTEN IT AT 4 P.M. THE DAY BEFORE.
18 I GUESS HE HADN'T TAKEN IT OUT OF THE PACKAGE. WHEN MR.
19 WALEN ASKED THE AGENT TO CONVERT IT, HOW LONG DID IT TAKE?
20 WHAT, 15, 20 SECONDS TO TAKE THAT FIREARM FROM THE WAY IT
21 WAS PACKAGED TO BE IN A POSITION TO KILL SOMEONE. SO I
22 WOULD CONTEND TO YOU CERTAINLY THAT THAT FIREARM, WHERE IT
23 WAS PLACED AND HOW IT WAS PLACED AND THE PROXIMITY IT WAS
24 TO THE DRUGS AND THE STATEMENTS THAT HE MADE ABOUT HAVING
25 IT FOR PROTECTION, IT WAS THERE TO FURTHER HIS DRUG

1 TRAFFICKING BUSINESS.

2 NOW, AS IT RELATES TO HIS ABILITY TO POSSESS THAT
3 FIREARM, OR BEING A CONVICTED FELON, YOU HEARD FROM THE
4 OFFICER -- YOU HEARD FROM THE DETECTIVE WHO CAME IN AND
5 SAID, NOT ONLY DID WE ARREST HIM FOR A DRUG OFFENSE BUT
6 THEY ARRESTED HIM IN THE EXACT SAME BEDROOM IN 2006 THAT
7 HE WAS FOUND ON THE DAY THAT THEY EXECUTED THE SEARCH
8 WARRANT. ON THAT DAY THERE WAS A SAFE. IT HAD, I THINK
9 ABOUT \$1,700 IN IT. AGAIN, THAT'S ENTIRELY CONSISTENT
10 WITH THE STATEMENT THAT HE GAVE TO LAW ENFORCEMENT ABOUT
11 WHAT HE HAD BEEN DOING AND HOW LONG HE HAD BEEN DOING IT
12 AND THE FACT THAT HE HAD 200 OTHER DOLLARS LYING AROUND
13 AND THAT THERE WAS A SET OF DIGITAL SCALES IN THERE AT
14 THAT TIME THAT HAD A SMALL AMOUNT OF COCAINE BASE ON IT.
15 WHEN THE OFFICERS TOOK HIM DOWN, THEY HAD AN ADDITIONAL
16 SMALL AMOUNT OF COCAINE BASE.

17 AGAIN, THAT'S CONSISTENT AGAIN WITH THE STATEMENT
18 THAT HE GIVES TO LAW ENFORCEMENT. AND EVEN HIS TATTOO,
19 HE'S MOVING UP FROM PIECES, WHICH IS WHAT THEY FOUND HIM
20 WITH IN 2006, TO WEIGHT, WHICH IS WHAT HE WAS FOUND WITH
21 ON JANUARY 27, 2010.

22 ADDITIONALLY, YOU HEARD THE PROSECUTOR COME IN AND
23 IDENTIFY MR. PARKER AS THE PERSON HE TOOK THE PLEA ON FOR
24 THAT EXACT SAME CASE. THE DATE OF BIRTH MATCHES UP, THE
25 NAME MATCHES UP, THE NUMBERS MATCH UP. THE OFFICER

1 IDENTIFIED HIM THAT ARRESTED HIM, THE PROSECUTOR CAME IN
2 AND SAID THAT'S THE GENTLEMAN I CONVICTED ON THAT DAY.
3 YOU HAVE SEEN THE JUDGMENT. YOU HAVE THE JUDGMENT HERE.
4 ADDITIONALLY, THEN THE CLERK CAME IN TO INTRODUCE THE
5 JUDGMENT.

6 AS I SAID, AND I'LL GO THROUGH ON THE MONEY
7 LAUNDERING CHARGE, START WITH -- I'LL START IN REVERSE
8 ORDER. YOU HEARD AGENT TAYLOR TELL YOU ABOUT WHY PEOPLE
9 HIDE ASSETS, WHY THEY HIDE THINGS, WHAT'S THE REASON FOR
10 CONCEALING SOMETHING LIKE THAT. AND THAT'S WHAT THIS
11 DEFENDANT DID. HE CALLED UP AN ACQUAINTANCE AND HAD THAT
12 PERSON COME DOWN AND KNOWINGLY, WITHOUT PAYING A PENNY FOR
13 THE CAR, WITHOUT BUYING THE CAR, KNOWINGLY PUT THAT CAR IN
14 THEIR NAME FOR MR. PARKER. NO REASON TO DO THAT BUT TO
15 HIDE OR CONCEAL WHOSE AUTOMOBILE THAT WAS. MS. LEWIS
16 NEVER TESTIFIED AND IT WAS NEVER CONTRADICTED THAT EXCEPT
17 FOR THE DAY THAT SHE DROVE THAT CAR OFF THE LOT, FROM MUNN
18 MOTOR SPORTS, SHE HAD NEVER BEEN IN IT, NEVER BEEN IN IT
19 SINCE. SHE, WITH MR. PARKER, CONCEALED THE IDENTITY OF
20 THE TRUE OWNERSHIP OF THAT CAR AND THEN, WHEN SHE GOT THE
21 TITLE, WHAT DID SHE DO? SHE CONTACTED A FAMILY MEMBER OF
22 THE DEFENDANT AND THEY TRANSFERRED THE TITLE, NOT INTO
23 THIS PERSON'S NAME, NOT INTO MR. PARKER'S NAME, THEY
24 TRANSFERRED IT INTO SOMEBODY ELSE'S NAME.

25 NOW, YOU HAVE HEARD EVIDENCE THAT MR. PARKER WAS IN

1 THAT CAR ON NOVEMBER 9, 2009. HE WAS IN THAT CAR ON
2 DECEMBER 1, 2009. HE WAS STOPPED ON TRAFFIC STOP
3 DECEMBER 4, 2009, DRIVING THAT CAR OR BEING IN THAT CAR ON
4 ALL OF THOSE OCCASIONS. YOU HAVE SEEN HIM ON THE
5 VIDEOTAPE ON JANUARY 27, 2010. THE ONLY PERSON, IF
6 THERE'S ANY EVIDENCE WHATSOEVER, OPERATING THIS AUTOMOBILE
7 IS THE DEFENDANT. NOT ANY OF THOSE OTHER PEOPLE THAT HE
8 HAD THAT CAR IN HIS NAME. OF COURSE, HE TOLD THE OFFICERS
9 THAT HE PAID FOR IT AND HE EVEN TOLD THEM THE PRICE HE
10 PAID, \$8,500. LO AND BEHOLD, THAT MATCHES EXACTLY WHAT
11 WAS PAID. HE TOLD THEM WHERE IT WAS PURCHASED FROM, AND
12 HE SAT BY MS. LEWIS THE ENTIRE TIME WHILE SHE FILLED OUT
13 THOSE DOCUMENTS, NEVER INTENDING TO TAKE THAT AUTOMOBILE.
14 THAT'S CONSPIRACY IN MONEY LAUNDERING RIGHT THERE.

15 BUT THERE'S MORE, BECAUSE AS YOU HEARD AGAIN, FROM
16 MR. PARKER'S OWN STATEMENT, I KNOW YOU HAVE SEEN IT, NOT
17 ONLY DID HE GIVE A STATEMENT BUT, AS YOU HAVE SEEN, HE
18 INITIALED EVERY PAGE. SO WHEN THEY ASKED HIM THE
19 QUESTIONS ABOUT THINGS AND WHAT HE DID, HE HAD A CHANCE TO
20 AMEND IT. YOU HAVE SEEN THERE ARE PORTIONS WHERE HE ASKED
21 THEM TO AMEND THEM, BUT HE DIDN'T ASK THEM TO AMEND THESE
22 THINGS THAT SAID HOW HE GOT THE CAR, BECAUSE THAT'S THE
23 TRUTH.

24 HE ALSO, WHEN HE WAS ASKED ABOUT WHAT HE WAS DOING
25 WITH HIS PROCEEDS AND, AGAIN, THERE'S NOT ANY EVIDENCE

1 WHATSOEVER THAT MR. PARKER HAS EVER WORKED A DAY IN HIS
2 LIFE IN A REAL JOB, NONE. IN FACT, HE SAYS HE DOESN'T
3 HAVE ANY INCOME, NEVER FILED A TAX RETURN. THEN HE TOLD
4 THE OFFICERS, AND AGAIN, WHICH IS CONSISTENT, AND YOU HAVE
5 SEEN THAT AMOUNT OF CURRENCY, YOU HAVE SEEN THE THINGS IN
6 HIS CLOSET, THE ACCESS TO MONEY THAT WE KNOW HE HAD, THAT
7 HE TOOK SOME OF THE MONEY. WHAT DID HE SAY HE HAD DONE
8 WITH THE MONEY? HE INITIALLY SAID THAT HE HAD SPENT IT ON
9 CLOTHES, JEWELRY, CARS, CLUBS AND WOMEN.

10 IF YOU LOOK AT HIS CLOSET, THAT PICTURE OF HIS
11 CLOSET, THERE ARE CLOTHES EVERYWHERE, THERE ARE SHOES
12 EVERYWHERE. JEWELRY, EVERY PICTURE WE HAVE OF HIM HE HAS
13 SOME SORT OF JEWELRY ON, EVEN BACK BEFORE.

14 OH, BY THE WAY, ABOUT THE FELONY. YOU KNOW, HE
15 SHOWED THE IDENTIFICATION CARD. IT'S THE SAME NAME, SAME
16 DATE OF BIRTH, ALL OF THAT STUFF MATCHES UP AS TO HIM
17 BEING A CONVICTED FELON.

18 BUT THEN, NOT ONLY DOES HE SAY ON SEVERAL OCCASIONS
19 WHAT HE'S DONE WITH THAT MONEY, HE THEN, WHEN HE'S ASKED
20 ABOUT USING THAT FOR THE HOUSE, THE SAME HOUSE WHERE THE
21 DRUGS ARE BEING STORED, AND AGAIN, THIS IS IN BEHALF OF
22 MONEY LAUNDERING. FURTHER, WHEN YOU TAKE THE PROCEEDS
23 FROM YOUR SALE AND USE IT TO KEEP THAT HOUSE, MAKE THE
24 FINANCIAL TRANSACTION OF GIVING MONEY TO SOMEBODY. WHEN
25 HE SAID AS RECENTLY AS HE HAD JUST GIVEN HIS MOTHER \$500

1 FOR A HOUSE PAYMENT, A HOUSE PAYMENT FOR THAT HOUSE, THE
2 ONLY HOUSE HE'S EVER LIVED AT. THE SAME PLACE HE STORED
3 HIS DRUGS. THE SAME PLACE HE'S SELLING DRUGS RIGHT OUT IN
4 FRONT OF. THAT AGAIN IS MONEY LAUNDERING. ADDITIONALLY,
5 BY PAYING FOR THE CABLE BILL AND BY GIVING \$1,000 TO HELP
6 OUT AND, OF COURSE, GIVING IT TO HIS MOTHER. HE DOESN'T
7 HAVE A JOB. HE'S GIVING HER \$1,000 A MONTH. AGAIN,
8 PURCHASING THAT TELEVISION SET, AND YOU SAW THE TELEVISION
9 SET.

10 AGAIN, YOU KNOW, HE MADE -- THERE WAS SOME ISSUES
11 ABOUT HIM BEING INVOLVED IN RAP MUSIC OR THE RAP MUSIC
12 BUSINESS. WHEN YOU SAW HIM THROWING OUT MONEY IN THE
13 SINK, WAS IT MUSIC? WAS IT A VIDEO? NO. IT WAS JUST
14 SOMEBODY BRAGGING ABOUT HOW HE'S GETTING AWAY WITH
15 POISONING THE COMMUNITY. YOU SAW THE VERY FIRST
16 PHOTOGRAPH OF HIM FLASHING ALL OF THAT CASH. ONCE AGAIN,
17 BRAGGING THE FACT THAT HE'S POISONING THE COMMUNITY. NO
18 EVIDENCE OF ANY RECORD CONTRACTS, ANY RECORD DEALS,
19 ANYTHING THAT WOULD SUBSTANTIATE ANYTHING LIKE THAT,
20 EXCEPT FOR ILL-GOTTEN GAINS.

21 NOW, AGAIN, THEY SAY THAT, YOU KNOW, WHEN YOU LOOK
22 BACK AT THE STATEMENT, THE STATEMENT THAT HE GAVE TO LAW
23 ENFORCEMENT AS IT RELATES TO THE CONSPIRACY CHARGE AND,
24 AGAIN, OF COURSE HE DID TELL YOU FROM THAT STATEMENT THAT
25 HE HAD THE FIREARM AND HE ALSO GOT THE MAGAZINE. AND, YOU

1 KNOW, YOU MIGHT ASK YOURSELVES WHERE WAS THE REST OF THE
2 MONEY? WELL, HE TOLD THE OFFICERS WHAT HE HAD DONE WITH
3 IT, HE BURIED IT, AND YOU WILL NEVER FIND IT. I BURIED
4 GUNS AND YOU WILL NEVER FIND THEM.

5 STARTED DEALING AGAIN. WHEN YOU TALK ABOUT PIECES TO
6 WEIGHT, FROM HIS OWN MOUTH, THE PICTURE IS WORTH A
7 THOUSAND WORDS, FROM HIS OWN ARM. HE STARTED SELLING \$50
8 A GRAM, STARTED OUT, AND WORKS HIS WAY ALL THE WAY UP.
9 HAS GONE FROM TAKING POWDER COCAINE TO CRACK COCAINE.
10 SOLD AS MUCH AS 5 KILOGRAMS OF CRACK COCAINE INTO THE
11 COMMUNITY TO SATISFY HIS GREED, AND FOR NO OTHER REASON.

12 WELL, I CAN'T SAY REALLY FOR NO OTHER REASON BECAUSE,
13 AS HE TOLD YOU, HE WANTED TO TAKE SOME OF THE PROCEEDS AND
14 PUT IT INTO HIS MUSIC BUSINESS. AGAIN, THAT'S MONEY
15 LAUNDERING. AGAIN, TRIPS, TRAVELING TO MIAMI, TO
16 CHARLOTTE, TO ATLANTA.

17 NOW, AND I'LL JUST -- I KNOW YOU HAVE SEEN THESE
18 THINGS, YOU KNOW, AS IT RELATES TO THE WEIGHT AND YOU
19 HEARD THE PROFESSIONAL WITNESSES ALL COME IN AND THEY ALL
20 TESTIFIED IN EACH OF THESE CASES. THAT ON NOVEMBER 9, YOU
21 HEARD SPECIAL AGENT PATRICK TESTIFY THAT IT WAS 60 GRAMS
22 ON THE FIRST DEAL. CERTAINLY 60 GRAMS IS MORE THAN
23 50 GRAMS. AND THEN ON THE SECOND DEAL, DECEMBER 5, WHERE
24 THE DISTRIBUTION WAS FOR 27 GRAMS, AGAIN OF CRACK COCAINE.
25 THERE'S BEEN NO EVIDENCE OF ANYTHING ELSE, AND THAT WAS

1 TESTIFIED BY AGENT MOORE. AND THEN FINALLY BRITTANY
2 DEWELL TESTIFIED THAT 72 GRAMS WAS TAKEN OUT OF THAT VENT.
3 IF YOU LOOK AT THE PICTURES OF THAT WEALTH OF WHERE HE IS
4 THROWING THE LIVES OF THE COMMUNITY AWAY, WHAT HE IS
5 SPENDING IT ON, AND HOW FAR HIS ROOM IS FROM WHERE THOSE
6 DRUGS WERE FOUND.

7 YOU KNOW, I GUESS HE DOES HAVE A BUSINESS. HE REALLY
8 HAS AN OFFICE, IF YOU THINK ABOUT IT. THAT BATHROOM IS
9 HIS OFFICE, RIGHT? IF YOU THINK ABOUT IT, IF YOU GO BACK
10 TO THE VIDEO, HE'S THROWING ALL THE MONEY IN THERE AND YOU
11 FAST FORWARD SEVERAL MONTHS TO THAT SAME VENT IN THE SAME
12 AREA WHERE YOU HAVE 72 GRAMS OF COCAINE BASE.

13 FINALLY, OF COURSE, YOU HAVE SEEN ALL OF THESE WHERE
14 MS. LEWIS PICKED OUT THE AUTOMOBILE AND SIGNED ALL THE
15 DOCUMENTS AND TOLD YOU EXACTLY WHAT SHE DID TO FURTHER THE
16 OBJECTIVES.

17 FINALLY, YOU KNOW, MR. PARKER'S LIFE IS ABOUT MONEY
18 BECAUSE TO HIM MONEY IS POWER, IS RESPECT, RIGHT? AND
19 WHAT HE'S WILLING TO DO AND WHAT ALL THE EVIDENCE HAS
20 SHOWN IS HE'S WILLING TO POISON THE COMMUNITY, HE'S
21 WILLING TO TAKE COCAINE BASE, CRACK, WHICH I DON'T THINK
22 ANYBODY WOULD SAY IS A GOOD THING, I DON'T THINK ANYBODY
23 WOULD EVER ARGUE WITH THE IDEA THAT CRACK COCAINE IS
24 RIPPING APART THE FABRIC OF OUR SOCIETY, AND HE'S WILLING
25 TO SELL THAT INTO THE COMMUNITY BECAUSE HE WANTS, AND

1 YOU'VE SEEN THESE PICTURES, HE WANTS THE MONEY. IT'S ALL
2 ABOUT THE MONEY. THANK YOU.

3 **THE COURT:** ALL RIGHT. THANK YOU, MR. SEVERO.
4 MR. WALEN. MR. WALEN, THE JURY AND I LOOK FORWARD TO
5 HEARING FROM YOU, SIR.

6 **MR. WALEN:** ALL THIS EVIDENCE, ALL THESE
7 EXHIBITS, TAPES, I FEEL LIKE THE LEAD HORSEMAN IN THE
8 CHARGE OF THE LIGHT BRIGADE.

9 A DISCLAIMER BEFORE I START. IF I MISQUOTE SOMETHING
10 THAT YOU HEARD OR IF I TELL YOU SOMETHING THAT'S THE LAW
11 THAT'S INCORRECT, THE PERSON THAT ACTUALLY TELLS YOU THE
12 LAW IS THE JUDGE. I MAY MAKE A MISTAKE, I DON'T
13 INTENTIONALLY DO IT, BUT ANYTHING I SAY IS STRICTLY
14 SOMETHING I SAY. IT'S NOT THE LAW, IT'S NOT THE FACT,
15 IT'S FOR YOU TO REMEMBER WHAT THE FACTS ARE AND FOR THE
16 JUDGE TO INSTRUCT YOU ON WHAT THE LAW IS.

17 I'M NOT GOING TO GO OVER ALL THE EVIDENCE, ALL THE
18 STUFF YOU HEARD. I'M JUST GOING TO POINT OUT SOME OF THE
19 STUFF THAT'S NOT PROVEN TO YOU.

20 FIRST OF ALL, A CONSPIRACY TAKES TWO PEOPLE. YOU CAN
21 NOT HAVE A CONSPIRACY BY YOURSELF, YOU HAVE TO HAVE A
22 CO-CONSPIRATOR. THERE'S NO SUCH THING AS A ONE-PERSON
23 CONSPIRACY.

24 IF I MEET WITH ANOTHER PERSON AND HIM AND I SIT
25 TOGETHER OR HER AND I SIT TOGETHER AND WE SAY TO EACH

1 OTHER, I THINK WE'LL GO ROB A QUICK STOP, I NEED SOME
2 MONEY FOR SOME COCA COLA OR BEER OR POTATO CHIPS OR
3 WHATEVER, SO WHY DON'T WE GO ROB THE 7/11 ON THE CORNER.
4 YOU PEOPLE PROBABLY DON'T HEAR MUCH OF 7/11, THEY ARE
5 MOSTLY IN OTHER STATES. AND THEN WE GET UP AND WE GO OUT
6 AND GET IN THE CAR. WHEN WE GET TO THE 7/11 THERE'S A
7 BUDDY OF MINE STANDING OUT FRONT. I SAY TO HIM, HOW ABOUT
8 GETTING BEHIND THE WHEEL, WE'RE GOING TO ROB THIS 7/11, BE
9 RIGHT OUT. HE GETS IN THE CAR, CRANKS UP THE ENGINE AND
10 WAITS ON US.

11 WELL, THE TWO PEOPLE, MYSELF AND THE PERSON THAT I
12 DISCUSSED THIS WITH, ARE GUILTY OF A CONSPIRACY BECAUSE WE
13 SAT THERE AND PLANNED IT. THE OTHER PERSON ISN'T. HE'S
14 NOT PART OF THE CONSPIRACY. HE MAY BE GUILTY OF THE ARMED
15 ROBBERY, BUT HE'S NOT GUILTY OF A CONSPIRACY. BUT THE
16 CONSPIRACY ENDS. DON'T LET THEM CONFUSE YOU.

17 THERE'S THREE CHARGES OF DISTRIBUTING CRACK, SELLING
18 CRACK OR HAVING CRACK WITH INTENT TO DISTRIBUTE, BUT
19 THAT'S NOT TO BE CONFUSED WITH THE CONSPIRACY, THAT'S A
20 SEPARATE CHARGE. THE CONSPIRACY ENDS AS SOON AS YOU MAKE
21 THE PLAN. TO HAVE THAT CONSPIRACY YOU HAVE TO HAVE A
22 PLAN.

23 THERE'S NO EVIDENCE THAT HE PLANNED WITH ANYBODY, IF
24 YOU BELIEVE THAT HE ACTUALLY DISTRIBUTED THE DRUG, THERE
25 IS ABSOLUTELY NO EVIDENCE IN FRONT OF YOU THAT SHOWS HE

1 PLANNED WITH ANYBODY TO DISTRIBUTE THOSE, TO POSSESS THE
2 DRUGS WITH THE INTENT TO DISTRIBUTE THEM. NOT TO
3 DISTRIBUTE THEM, NOT TO SELL THEM, NOT TO MANUFACTURE
4 THEM, TO POSSESS WITH THE INTENT TO DISTRIBUTE. THERE IS
5 NO EVIDENCE OF THAT.

6 NEXT, THE POSSESSION OF A FIREARM DURING A DRUG
7 TRAFFICKING CRIME. YOU KNOW, YOU CAN'T JUST POSSESS A
8 FIREARM. IF YOU BELIEVE HE POSSESSED THAT FIREARM BECAUSE
9 HE SAID IT IN HIS CONFESSION, ALLEGEDLY, IF YOU BELIEVE
10 THAT THAT FIREARM WAS HIS, YOU HAVE TO ALSO BELIEVE -- YOU
11 CAN'T BELIEVE THAT HE JUST MERELY HAD IT. YOU HAVE TO
12 BELIEVE THAT SOMEHOW IT WAS RELATED TO HIS DRUG ACTIVITY.

13 NOW, COMMON SENSE WOULD TELL YOU THAT IF YOU ARE
14 GOING TO USE A GUN TO PROTECT YOURSELF DURING DRUG BUYS OR
15 DRUG SALES OR TO PROTECT YOURSELF PERIOD, YOU ARE NOT
16 GOING TO SEAL IT IN A HERMETICALLY SEALED PLASTIC ENVELOPE
17 AND LEAVE THE MAGAZINES OUTSIDE. YOU ARE GOING TO HAVE IT
18 READY TO USE.

19 EVERY TIME I ASKED SOMEBODY THAT WAS INVOLVED IN ONE
20 OF THESE DRUG DEALS, A POLICE OFFICER, AN AGENT, A
21 CO-DEFENDANT, WHAT I CALL A CONFIDENTIAL INFORMANT, NONE
22 OF THEM, NONE OF THEM COULD EVER SAY THAT THEY SAW
23 SOMEBODY WITH A GUN DURING ANY OF THESE DRUG DEALS. SO
24 THERE'S REALLY NO EVIDENCE THAT HE POSSESSED THIS FIREARM
25 DURING A DRUG TRAFFICKING CRIME.

1 HE MAY HAVE POSSESSED IT, HE MAY NOT HAVE BEEN
2 ALLOWED TO POSSESS IF IT, IF HE WAS A CONVICTED FELON LIKE
3 THEY TESTIFIED. BUT HE DIDN'T USE IT IN FURTHERANCE OF A
4 DRUG CRIME; IT WAS JUST MERELY THERE. THAT'S THE
5 DIFFERENCE BETWEEN JUST POSSESSING IT AND POSSESSING IT
6 AND USING IT IN A DRUG CRIME.

7 NEXT, THEY CHARGE HIM WITH -- NOT WITH LAUNDERING
8 MONEY, NOT WITH LAUNDERING PROCEEDS OF DRUG TRANSACTIONS,
9 BUT CONSPIRACY TO LAUNDER MONEY. AGAIN, YOU HAVE TO HAVE
10 TWO PEOPLE TO HAVE A CONSPIRACY. WHO'S THE SECOND PERSON?
11 WHO DID YOU HEAR ANYBODY TESTIFY TO THAT EXPIRED WITH HIM
12 TO LAUNDER THIS DRUG MONEY? NOT ONE SINGLE PERSON. THEY
13 TRIED TO IMPLY THAT THE AUTO PLACE WAS SOMEHOW INVOLVED IN
14 IT, BUT THAT DOESN'T MAKE ANY SENSE. THEY TRIED TO IMPLY
15 THAT THE COUSIN WAS SOMEHOW INVOLVED IN IT. SHE NEVER
16 SAID SHE EVEN KNEW IT WAS DRUG MONEY, IF IT WAS DRUG
17 MONEY.

18 JUST THE FACT THAT SOMEBODY COUNTS HUNDREDS INTO A
19 SINK ON U-TUBE OR MYSPACE, WHICHEVER IT WAS, OR THAT
20 SOMEBODY BUYS A BUNCH OF CARS WITH THE MONEY, OR THAT
21 SOMEBODY BUYS DIAMONDS AND SOMEBODY FLASHES IT ON VIDEOS,
22 BUYS A LOT OF SHOES, DOES THAT SOUND LIKE LAUNDERING
23 MONEY? IF YOU ARE GOING TO LAUNDER MONEY YOU ARE TRYING
24 TO HIDE IT, YOU ARE NOT MAKING IT OBVIOUS THAT YOU HAVE
25 ALL OF THIS MONEY, YOU ARE NOT GOING OUT AND BUYING THINGS

1 WITH IT. IT MAY BE EXTRAVAGANT, IT MAY BE STUPID, IT MAY
2 BE RIDICULOUS TO SPEND ALL OF THAT MONEY AND TO SHOW IT,
3 BUT IF YOU ARE LAUNDERING MONEY YOU WILL NOT GO ON
4 MYSPACE, U-TUBE, ONE OF THEM, AND COUNT IT INTO A SINK.
5 YOU ARE TRYING TO HIDE IT, NOT TELL THEM ABOUT IT. HE
6 DIDN'T HAVE ANY OFFSHORE ACCOUNTS IN THE CAYMAN ISLANDS.
7 YOU DIDN'T HEAR ANYBODY SAY THEY GOT TOGETHER WITH HIM OR
8 THE TWO OF THEM TOGETHER SAID, I'M GOING TO LAUNDER THIS
9 MONEY, I'M GOING TO HIDE IT, THE PROCEEDS, FROM MY DRUG
10 BUY. NOT ONE PERSON TESTIFIED TO THAT. THAT'S WHAT IT
11 TAKES TO MAKE A CONSPIRACY. WITHOUT A CO-CONSPIRATOR, YOU
12 DON'T HAVE A CONSPIRACY.

13 YOU KNOW, THAT'S THE WEAKNESSES IN THEIR CASE. THE
14 CONSPIRACY TO POSSESS WITH INTENT TO DISTRIBUTE DRUGS, THE
15 POSSESSION OF A FIREARM DURING A DRUG TRAFFICKING CRIME,
16 AND THE MONEY LAUNDERING CHARGES. THANK YOU.

17 **THE COURT:** THANK YOU, MR. WALEN. ALL RIGHT,
18 MR. SEVERO, WE WILL HEAR YOUR REBUTTAL.

19 **MR. SEVERO:** THANK YOU, YOUR HONOR. I'M GOING
20 TO JUST ADDRESS MY REMARKS TO THE STATEMENTS THAT WERE
21 MADE BY MR. WALEN.

22 AS HE SPEAKS ABOUT THE CONSPIRACY PORTION, ESPECIALLY
23 FOCUSING ON THE DRUGS, WHEN HE SAID THERE WASN'T AN
24 AGREEMENT. CERTAINLY THERE WAS AN AGREEMENT WITH
25 MR. RIVERS TO DISTRIBUTE THE DRUGS. CERTAINLY WAS AN

1 AGREEMENT WITH THE HISPANIC MALE THAT HE TALKED ABOUT FROM
2 TEXAS, AND HIS AGREEMENT TO CONTINUE TO SELL DRUGS TO
3 PEOPLE IN THE COMMUNITY FOR THAT LONG, EXTENDED PERIOD OF
4 TIME.

5 I'M NOT SAYING THOSE INDIVIDUAL TWO BUYS, THOSE ARE
6 SEPARATE. I'M TALKING ABOUT ALL THE OTHER TIMES, THE TIME
7 THAT HE DESCRIBED ON A BI-MONTHLY BASIS DISTRIBUTING LARGE
8 AMOUNTS TO PEOPLE WHO AGREED TO BUY IT. THAT HE AGREED TO
9 RECEIVE THAT COCAINE FROM THOSE SOURCES OUTSIDE OF NORTH
10 CAROLINA AND THEN DISTRIBUTE THEM. THAT HE AGREED WITH
11 MR. RIVERS TO PROVIDE MR. RIVERS WITH IT.

12 YOU KNOW, HE DIDN'T CARE ABOUT THE FACT THAT IT WAS
13 BEING SOLD TO OTHER PEOPLE BECAUSE YOU HEARD THE TAPE IN
14 WHICH MR. BATTIS SAID, IF MY PEOPLE DON'T LIKE IT I'M GOING
15 TO COME BACK TO YOU. THAT'S OKAY, IT WILL BE STRAIGHT,
16 THAT'S OKAY, IT'S BUTTER. HE KNEW WHERE IT WAS GOING AND
17 WHAT HE WAS GOING TO DO.

18 MR. WALEN TALKED ABOUT THE POSSESSION. YOU HEARD ALL
19 THE FACTS ABOUT THAT, SO I'M NOT GOING TO REHASH IT.

20 WHEN HE MENTIONS ABOUT THE FIREARM, THIS DEFENDANT
21 BEING A CONVICTED FELON COULDN'T LEGALLY POSSESS A
22 FIREARM. THERE'S CERTAINLY NO EVIDENCE THAT HE PACKAGED
23 IT UP. HE BOUGHT IT FROM SOMEBODY THE DAY BEFORE SO IT
24 WAS PROBABLY STILL IN THE PACKAGE WHEN HE BOUGHT IT. HE
25 HAD IT THERE STILL FOR PROTECTION.

1 ADDITIONALLY, AGAIN, THE TYPE OF WEAPON, PROXIMITY TO
2 THE DRUGS AND PROXIMITY IS WHAT YOU SHOULD FOCUS ON IN
3 FURTHERANCE OF THE DRUG TRAFFICKING OFFENSE.

4 AS HE TALKS ABOUT THE CONSPIRACY TO MONEY LAUNDER,
5 THOSE AGREEMENTS TO DO THOSE ACTIONS WITH THOSE OTHER
6 PEOPLE, I THINK SPEAK FOR THEMSELVES. THANK YOU.

7 **THE COURT:** ALL RIGHT. THANK YOU, SIR.

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20 END OF TRANSCRIPT
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1 CERTIFICATE

2 THIS IS TO CERTIFY THAT THE FOREGOING TRANSCRIPT OF
3 PROCEEDINGS TAKEN AT THE CRIMINAL SESSION OF UNITED STATES
4 DISTRICT COURT IS A TRUE AND ACCURATE TRANSCRIPTION OF THE
5 PROCEEDINGS TAKEN BY ME IN MACHINE SHORTHAND AND
6 TRANSCRIBED BY COMPUTER UNDER MY SUPERVISION.

7 THIS THE 5TH DAY OF MARCH, 2011.

8

9 /S/ DONNA J. TOMAWSKI

10 DONNA J. TOMAWSKI
11 OFFICIAL COURT REPORTER

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